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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

LISA HOWE,

Plaintiff,

v.

WHIRLPOOL CORPORATION,

Defendant.

Case No. 3:20-cv-00050-TMB

**NOTICE OF REMOVAL**  
**(Jury Trial Demanded)**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Whirlpool Corporation (“Whirlpool”) hereby removes this action from the Superior Court for the State of Alaska, Third Judicial District at Anchorage, under Case No. 3AN-20-04571 CI, to the United States District Court for the District of Alaska on the grounds that complete diversity of citizenship for purposes of removal exists because Plaintiff Lisa Howe (“Plaintiff”) and Whirlpool are citizens of different states.

In support of removal, Whirlpool states as follows:

**PROCEDURAL HISTORY**

1. On January 28, 2020, Plaintiff filed a Complaint and Jury Demand (“Complaint”) against Whirlpool in the Superior Court for the State of Alaska, Third Judicial District at Anchorage, under Case No. 3AN-20-04571 CI. A copy of the Complaint is attached hereto as Exhibit A. Whirlpool was served with the Complaint and Summons on February 03, 2020.

2. Removal is timely under 28 U.S.C. § 1446(b). Whirlpool has filed this Notice of Removal within thirty (30) days of service of the Summons and Complaint. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (“[D]efendant’s period for removal will be no less than 30 days from service”).

### **CITIZENSHIP OF THE PARTIES**

3. Plaintiff is and has been at all times relevant to this suit, a resident of Anchorage, Alaska. (Compl. ¶ 1.) Plaintiff is therefore a citizen of the State of Alaska.

4. Whirlpool is a corporation organized and existing under the laws of Delaware, with its principal place of business in Michigan. Therefore, Whirlpool is a citizen of the States of Delaware and Michigan. *See Hertz Corp. v. Friend*, 559 U.S. 77, 93 (2010) (holding that a corporation is a citizen of its place of incorporation and its “principal place of business,” which is “the actual center of direction, control, and coordination” of the corporation’s activities).

5. Consequently, Plaintiff and Whirlpool are citizens of different states and complete diversity of citizenship for purposes of removal exists.

### **JURISDICTION EXISTS PURSUANT TO 28 U.S.C. § 1332**

6. This Court has jurisdiction over this action under 28 U.S.C. §§ 1332 and 1446(b) because (1) there is complete diversity of citizenship between Plaintiff and Whirlpool, and (2) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. As set forth in the immediately preceding section, this case involves “citizens of different States.” *See* 28 U.S.C. § 1441(b).

8. In her Complaint, Plaintiff indicates that she is alleging damages “in no event less than \$100,000.” (Compl. ¶¶ 20, 30.)

9. Thus, the amount in controversy in this matter exceeds \$75,000, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a).

10. Removal of this action is not prohibited by 28 U.S.C. § 1445.

### **VENUE**

11. Removal to this Court is proper because the District of Alaska is the district and division embracing the place (Anchorage, Alaska) where the action was filed. 28 U.S.C. § 1441(a).

### **PROCESS, PLEADINGS, AND ORDERS SERVED**

12. As required by 28 U.S.C. § 1446(a), copies of service of process, pleadings, and orders filed in the State Court Action Case No. 3AN-20-04571CI are being provided along with this Notice of Removal as Exhibit B.

### **NOTICE OF REMOVAL**

13. Pursuant to 28 U.S.C. § 1446, the filing of a copy of this Notice with the Clerk of the State Court effects the removal of the State Court Action. A copy of the Notice of Filing of Notice of Removal, filed contemporaneously in the State Court Action, is attached hereto as Exhibit C.

### **NO WAIVER**

14. No waiver, and no admission of fact, law, or liability is intended by this Notice of Removal, and all defenses, affirmative defenses, and rights are hereby reserved.

### **CONCLUSION**

15. For the reasons set forth above, Whirlpool removes this action to the United States District Court for the District of Alaska.

DATED this 2nd day of March, 2020.

LANE POWELL LLC  
Attorneys for Defendant

By s/ Michael B. Baylous  
Michael B. Baylous, ABA No. 0905022

I certify that on March 2, 2020, a copy of  
the foregoing was served via U.S. Mail on:

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s/ Michael B. Baylous